

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

CHRISTOPHER ISIAH DURR,)	
)	
Petitioner,)	
)	
v.)	CV622-002
)	
TIMOTHY C. WARD, Warden,)	
)	
Respondent.)	

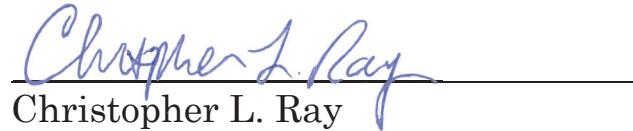
ORDER

Christopher Isaiah Durr seeks relief from his state conviction and sentence pursuant to 28 U.S.C. § 2254. *See* doc. 1. His petition reveals that he is incarcerated at Smith State Prison, in Glennville, Georgia. *Id.* at 2. Glennville lies in Tattnall County, which is in this Court's Statesboro Division. *See* 28 U.S.C. § 90(c)(6). The petition further reveals that he was convicted in Clayton County, Georgia. Doc. 1 at 2. Clayton County lies within the Northern District of Georgia. *See* 28 U.S.C. § 90(a)(2). This Court is, therefore, not the proper forum for Durr's petition.

Federal law allows § 2254 petitions to be filed in the district within which the petitioner was convicted or in the district within which he is confined. 28 U.S.C. § 2241(d); *Wright v. Indiana*, 263 F. App'x 794, 795 (11th Cir. 2008). Thus, this Court has jurisdiction over the petition. Nevertheless, it is a longstanding judicial policy and practice to funnel such petitions into the district within which the state prisoner was convicted, since that will be the most convenient forum. *Eagle v. Linahan*, 279 F.3d 926, 933 n. 9 (11th Cir. 2001); *see also Mitchell v. Henderson*, 432 F.2d 435, 436 (5th Cir. 1970); *Wright*, 263 F. App'x at 795. That practice also fosters an equitable distribution of habeas cases between the districts. Durr was convicted in Clayton County, *see doc. 1 at 2*, which lies within the Northern District of Georgia. *See 28 U.S.C. § 90(a)(1)*. Accordingly, this case is **TRANSFERRED** to the United States District Court for the Northern District of Georgia for all further proceedings. *See 28 U.S.C. § 1404(a)* (permitting a district court to transfer any civil action to another district or division where it may have been brought for the convenience of parties and witnesses and in the

interest of justice); *Rufus v. Kemp*, 2013 WL 2659983 at * 1 (S.D. Ga. June 12, 2013).

SO ORDERED, this 12th day of January, 2022.



Christopher L. Ray
United States Magistrate Judge
Southern District of Georgia